

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CITY OF SEATTLE, a municipal
corporation, located in the County of King,
State of Washington,

Plaintiffs

v.

MONSANTO COMPANY, SOLUTIA INC.,
and PHARMACIA CORPORATION, and
DOES 1 through 100,

Defendants.

CASE NO. 2:16-cv-00107-RSL

**STIPULATED JOINT MOTION AND
ORDER TO EXTEND TIME FOR
DEFENDANTS TO FILE OPPOSITION AND
PLAINTIFF TO FILE REPLY TO
PLAINTIFF CITY OF SEATTLE'S MOTION
TO DISMISS DEFENDANTS'
COUNTERCLAIMS AND STRIKE
CERTAIN DEFENSES**

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 7(j), Plaintiff City
2 of Seattle (“City”) and Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC
3 (“Defendants”) (together, the “Parties”) in the above-entitled action jointly and respectfully
4 request this Court issue an order granting this Motion to Extend Time for Defendants to file an
5 opposition to the City’s Motion to Dismiss Defendants’ Counterclaims and Strike Certain
6 Defenses (“Motion to Dismiss”) in this matter until October 30, 2017.

7 On September 6, 2017, this Court granted Defendants’ Motion for Leave to Amend
8 Answer and Counterclaims (“Motion for Leave”). *See* Dkt. No. 90. Prior to the Court granting
9 Defendants’ Motion for Leave, the Parties had filed a Joint Motion for Relief from a Deadline
10 and Leave to File Over-Length Motion, seeking permission from this Court for the City to “file
11 its Motion to Dismiss on or before July 27 or within 21 days after Monsanto files its Amended
12 Answer and Counter-Claims, whichever is later.” *See* Dkt. No. 82. The Parties’ Joint Motion
13 was granted, *see* Dkt. No. 85, and on September 28, 2017, Plaintiff filed a Motion to Dismiss
14 Defendants’ Counterclaims and to Strike Certain Defenses. *See* Dkt. No. 95-1. Pursuant to
15 Local Rule 7(d), Defendants’ opposition is due on October 16, 2017. Good cause exists to grant
16 this extension because an extension is necessary to allow Defendants time to analyze, evaluate,
17 and respond to the arguments raised in the City’s 35-page Motion to Dismiss. In addition, there
18 would be no prejudice to the Parties if the Court grants this extension, and the extension would
19 not affect existing deadlines, other than the noting date currently set for the City’s Motion to
20 Dismiss and the City’s reply brief date (both October 20), or otherwise delay the action.

21 The Parties therefore stipulate and agree to extend Defendants’ time to file an opposition
22 to the City’s Motion to Dismiss until October 30, 2017. In light of the Parties’ stipulated request
23 to modify the deadline for Defendants’ opposition brief from October 16, 2017 to October 30,
24 2017, the Parties additionally request that this Court modify the deadline for the City’s reply
25 brief from October 20, 2017 to November 10, 2017, and similarly modify the noting date for the
26 motion to November 10, 2017.

1 Dated: October 3, 2017

SCHWABE WILLIAMSON & WYATT

2
3 By: /s/ Jennifer L. Campbell

Jennifer L. Campbell, WSBA No. 31703
Connie Sue M. Martin, WSBA No. 26525
Claire Rootjes, WSBA No. 42178
1420 5th Avenue, Suite 3400
Seattle, WA 98101
Phone: (206) 622-1711
Email: jcampbell@schwabe.com
csmartin@schwabe.com
crootjes@schwabe.com

9 Robert M. Howard, CSBA No. 145870
(Admitted Pro Hac Vice)
10 Kelly E. Richardson, CSBA No. 210511
(Admitted Pro Hac Vice)
11 Andrea M. Hogan, CSBA No. 238209
(Admitted Pro Hac Vice)
12 Latham & Watkins LLP
13 12670 High Bluff Drive
14 San Diego, California 92130
15 Phone: (858) 523-5400
16 Emails: robert.howard@lw.com
kelly.richardson@lw.com
andrea.hogan@lw.com

17
18 KING & SPALDING LLP
19 Donald F. Zimmer, CSBA No. 34371
(Admitted Pro Hac Vice)
20 Nicholas D. Kayhan, CSBA No. 129878
(Admitted Pro Hac Vice)
21 Megan Nishikawa, CSBA No. 271670
(Admitted Pro Hac Vice)
22 101 Second Street, Suite 2300
23 San Francisco, CA 94105
24 Phone: (415) 318-1200
25 Email: FZimmer@kslaw.com
nkayhan@kslaw.com
MNishikawa@kslaw.com

26 *Attorneys for Defendants Monsanto Company, Solutia Inc.,*
27 *and Pharmacia LLC*
28

1 Dated: October 3, 2017

OFFICE OF THE CITY ATTORNEY

2
3 By /s/ Laura B. Wishik

Peter S. Holmes
Laura B. Wishik
Office of the City Attorney
701 Fifth Avenue, Suite 2010
Seattle, WA 98104-7097
Tel: 206.684.8200

4
5
6
7 GOMEZ TRIAL ATTORNEYS
John H. Gomez (SBN 171485)
John P. Fiske (SBN 249256)
655 West Broadway, Suite 1700
San Diego, CA 92101
Telephone: 619.237.3490
Fax: 619.237.3496


8
9
10
11 BARON & BUDD, P.C.
Scott Summy (Pro Hac Vice)
(Texas Bar No. 19507500)
Carla Burke (Pro Hac Vice)
(Texas Bar No. 24012490)
Celeste Evangelisti (SBN 225232)
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219-4281
Telephone: 214.521.3605
Fax: 214.520.1181

12
13
14
15
16 *Attorneys for Plaintiff City of Seattle*

1 **ORDER**

2 THIS MATTER having come before the Court on the stipulation of the parties and the
3 Court finding that good cause exists for granting the relief requested, NOW, THEREFORE, IT
4 IS HEREBY ORDERED that the deadline for Defendants to file an opposition to the City of
5 Seattle's Motion to Dismiss Defendants' Counterclaims and Strike Certain Defenses is extended
6 to October 30, 2017, the deadline for the City to file a reply is extended to November 10, 2017,
7 and the noting date for the City's Motion is now November 10, 2017.

8
9 DATED this 5th day of October, 2017.

10
11 

12 Robert S. Lasnik
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28